

House Study Bill 759

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ZIRKELBACH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the Iowa civil rights Act and discrimination
2 based upon a person's military status.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6542HC 82
5 rh/rj/24

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1 1 Section 1. Section 216.2, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 11A. "Military status" means a person's
1 4 status on active duty in or status as a veteran of the armed
1 5 forces of the United States, status as a current member or
1 6 veteran of any reserve component of the armed forces of the
1 7 United States, or status as a current member or veteran of the
1 8 Iowa army national guard or Iowa air national guard.
1 9 Sec. 2. Section 216.5, subsections 6 and 8, Code
1 10 Supplement 2007, are amended to read as follows:
1 11 6. To issue such publications and reports of
1 12 investigations and research as in the judgment of the
1 13 commission shall tend to promote goodwill among the various
1 14 racial, religious, and ethnic groups of the state and which
1 15 shall tend to minimize or eliminate discrimination in public
1 16 accommodations, employment, apprenticeship and on-the-job
1 17 training programs, vocational schools, or housing because of
1 18 race, creed, color, sex, sexual orientation, gender identity,
1 19 national origin, religion, ancestry, ~~or~~ disability, or
1 20 military status.
1 21 8. To make recommendations to the general assembly for
1 22 such further legislation concerning discrimination because of
1 23 race, creed, color, sex, sexual orientation, gender identity,
1 24 national origin, religion, ancestry, ~~or~~ disability, or
1 25 military status as it may deem necessary and desirable.
1 26 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and
1 27 c, Code Supplement 2007, are amended to read as follows:
1 28 a. Person to refuse to hire, accept, register, classify,
1 29 or refer for employment, to discharge any employee, or to
1 30 otherwise discriminate in employment against any applicant for
1 31 employment or any employee because of the age, race, creed,
1 32 color, sex, sexual orientation, gender identity, national
1 33 origin, religion, ~~or~~ disability, or military status of such
1 34 applicant or employee, unless based upon the nature of the
1 35 occupation. If a person with a disability is qualified to
2 1 perform a particular occupation, by reason of training or
2 2 experience, the nature of that occupation shall not be the
2 3 basis for exception to the unfair or discriminating practices
2 4 prohibited by this subsection.
2 5 b. Labor organization or the employees, agents, or members
2 6 thereof to refuse to admit to membership any applicant, to
2 7 expel any member, or to otherwise discriminate against any
2 8 applicant for membership or any member in the privileges,
2 9 rights, or benefits of such membership because of the age,
2 10 race, creed, color, sex, sexual orientation, gender identity,
2 11 national origin, religion, ~~or~~ disability, or military status
2 12 of such applicant or member.
2 13 c. Employer, employment agency, labor organization, or the
2 14 employees, agents, or members thereof to directly or
2 15 indirectly advertise or in any other manner indicate or
2 16 publicize that individuals of any particular age, race, creed,
2 17 color, sex, sexual orientation, gender identity, national
2 18 origin, religion, ~~or~~ disability, or military status are

2 19 unwelcome, objectionable, not acceptable, or not solicited for
2 20 employment or membership unless based on the nature of the
2 21 occupation. If a person with a disability is qualified to
2 22 perform a particular occupation by reason of training or
2 23 experience, the nature of that occupation shall not be the
2 24 basis for exception to the unfair or discriminating practices
2 25 prohibited by this subsection.

2 26 An employer, employment agency, or their employees,
2 27 servants, or agents may offer employment or advertise for
2 28 employment to only persons with disabilities, when other
2 29 applicants have available to them other employment compatible
2 30 with their ability which would not be available to persons
2 31 with disabilities because of their disabilities. Any such
2 32 employment or offer of employment shall not discriminate among
2 33 persons with disabilities on the basis of race, color, creed,
2 34 sex, sexual orientation, gender identity, military status, or
2 35 national origin.

3 1 Sec. 4. Section 216.7, subsection 1, paragraphs a and b,
3 2 Code Supplement 2007, are amended to read as follows:

3 3 a. To refuse or deny to any person because of race, creed,
3 4 color, sex, sexual orientation, gender identity, national
3 5 origin, religion, ~~or~~ disability, or military status the
3 6 accommodations, advantages, facilities, services, or
3 7 privileges thereof, or otherwise to discriminate against any
3 8 person because of race, creed, color, sex, sexual orientation,
3 9 gender identity, national origin, religion, or disability in
3 10 the furnishing of such accommodations, advantages, facilities,
3 11 services, or privileges.

3 12 b. To directly or indirectly advertise or in any other
3 13 manner indicate or publicize that the patronage of persons of
3 14 any particular race, creed, color, sex, sexual orientation,
3 15 gender identity, national origin, religion, ~~or~~ disability, or
3 16 military status is unwelcome, objectionable, not acceptable,
3 17 or not solicited.

3 18 Sec. 5. Section 216.8, subsections 1 through 4, Code
3 19 Supplement 2007, are amended to read as follows:

3 20 1. To refuse to sell, rent, lease, assign, sublease,
3 21 refuse to negotiate, or to otherwise make unavailable, or deny
3 22 any real property or housing accommodation or part, portion,
3 23 or interest therein, to any person because of the race, color,
3 24 creed, sex, sexual orientation, gender identity, religion,
3 25 national origin, disability, military status, or familial
3 26 status of such person.

3 27 2. To discriminate against any person because of the
3 28 person's race, color, creed, sex, sexual orientation, gender
3 29 identity, religion, national origin, disability, military
3 30 status, or familial status, in the terms, conditions, or
3 31 privileges of the sale, rental, lease assignment, or sublease
3 32 of any real property or housing accommodation or any part,
3 33 portion, or interest in the real property or housing
3 34 accommodation or in the provision of services or facilities in
3 35 connection with the real property or housing accommodation.

4 1 For purposes of this section, "person" means one or more
4 2 individuals, corporations, partnerships, associations, labor
4 3 organizations, legal representatives, mutual companies, joint
4 4 stock companies, trusts, unincorporated organizations,
4 5 trustees, trustees in cases under Title ~~eleven~~ XI of the
4 6 United States Code, receivers, and fiduciaries.

4 7 3. To directly or indirectly advertise, or in any other
4 8 manner indicate or publicize that the purchase, rental, lease,
4 9 assignment, or sublease of any real property or housing
4 10 accommodation or any part, portion, or interest therein, by
4 11 persons of any particular race, color, creed, sex, sexual
4 12 orientation, gender identity, religion, national origin,
4 13 disability, military status, or familial status is unwelcome,
4 14 objectionable, not acceptable, or not solicited.

4 15 4. To discriminate against the lessee or purchaser of any
4 16 real property or housing accommodation or part, portion, or
4 17 interest of the real property or housing accommodation, or
4 18 against any prospective lessee or purchaser of the property or
4 19 accommodation, because of the race, color, creed, religion,
4 20 sex, sexual orientation, gender identity, disability, military
4 21 status, age, or national origin of persons who may from time
4 22 to time be present in or on the lessee's or owner's premises
4 23 for lawful purposes at the invitation of the lessee or owner
4 24 as friends, guests, visitors, relatives, or in any similar
4 25 capacity.

4 26 Sec. 6. Section 216.8A, subsections 1 and 2, Code
4 27 Supplement 2007, are amended to read as follows:

4 28 1. A person shall not induce or attempt to induce another
4 29 person to sell or rent a dwelling by representations regarding

4 30 the entry or prospective entry into a neighborhood of a person
4 31 of a particular race, color, creed, sex, sexual orientation,
4 32 gender identity, religion, national origin, disability,
4 33 military status, or familial status.

4 34 2. A person shall not represent to a person of a
4 35 particular race, color, creed, sex, sexual orientation, gender
5 1 identity, religion, national origin, disability, military
5 2 status, or familial status that a dwelling is not available
5 3 for inspection, sale, or rental when the dwelling is available
5 4 for inspection, sale, or rental.

5 5 Sec. 7. Section 216.8A, subsection 4, paragraph a, Code
5 6 Supplement 2007, is amended to read as follows:

5 7 a. A person whose business includes engaging in
5 8 residential real estate related transactions shall not
5 9 discriminate against a person in making a residential real
5 10 estate related transaction available or in terms or conditions
5 11 of a residential real estate related transaction because of
5 12 race, color, creed, sex, sexual orientation, gender identity,
5 13 religion, national origin, disability, military status, or
5 14 familial status.

5 15 Sec. 8. Section 216.8A, subsection 5, Code Supplement
5 16 2007, is amended to read as follows:

5 17 5. A person shall not deny another person access to, or
5 18 membership or participation in, a multiple-listing service,
5 19 real estate brokers' organization or other service,
5 20 organization, or facility relating to the business of selling
5 21 or renting dwellings, or discriminate against a person in
5 22 terms or conditions of access, membership, or participation in
5 23 such organization because of race, color, creed, sex, sexual
5 24 orientation, gender identity, religion, national origin,
5 25 disability, military status, or familial status.

5 26 Sec. 9. Section 216.9, subsection 1, unnumbered paragraph
5 27 1, Code Supplement 2007, is amended to read as follows:

5 28 It is an unfair or discriminatory practice for any
5 29 educational institution to discriminate on the basis of race,
5 30 creed, color, sex, sexual orientation, gender identity,
5 31 national origin, religion, ~~or~~ disability, or military status
5 32 in any program or activity. Such discriminatory practices
5 33 shall include but not be limited to the following practices:

5 34 Sec. 10. Section 216.10, subsection 1, Code Supplement
5 35 2007, is amended to read as follows:

6 1 1. It shall be an unfair or discriminatory practice for
6 2 any:

6 3 a. Creditor to refuse to enter into a consumer credit
6 4 transaction or impose finance charges or other terms or
6 5 conditions more onerous than those regularly extended by that
6 6 creditor to consumers of similar economic backgrounds because
6 7 of age, color, creed, national origin, race, religion, marital
6 8 status, sex, sexual orientation, gender identity, physical
6 9 disability, military status, or familial status.

6 10 b. Person authorized or licensed to do business in this
6 11 state pursuant to chapter 524, 533, 534, 536, or 536A to
6 12 refuse to loan or extend credit or to impose terms or
6 13 conditions more onerous than those regularly extended to
6 14 persons of similar economic backgrounds because of age, color,
6 15 creed, national origin, race, religion, marital status, sex,
6 16 sexual orientation, gender identity, physical disability,
6 17 military status, or familial status.

6 18 c. Creditor to refuse to offer credit life or health and
6 19 accident insurance because of color, creed, national origin,
6 20 race, religion, marital status, age, physical disability, sex,
6 21 sexual orientation, gender identity, military status, or
6 22 familial status. Refusal by a creditor to offer credit life
6 23 or health and accident insurance based upon the age or
6 24 physical disability of the consumer shall not be an unfair or
6 25 discriminatory practice if such denial is based solely upon
6 26 bona fide underwriting considerations not prohibited by title
6 27 XIII, subtitle 1.

6 28 Sec. 11. Section 216.12A, Code Supplement 2007, is amended
6 29 to read as follows:

6 30 216.12A ADDITIONAL HOUSING EXCEPTION.

6 31 Sections 216.8 and 216.8A do not prohibit a person engaged
6 32 in the business of furnishing appraisals of real estate from
6 33 taking into consideration factors other than race, color,
6 34 creed, sex, sexual orientation, gender identity, religion,
6 35 national origin, disability, military status, or familial
7 1 status in appraising real estate.

7 2 EXPLANATION

7 3 This bill defines "military status" and prohibits
7 4 discriminatory employment, public accommodation, housing,
7 5 education, and credit practices based upon a person's military

7 6 status. "Military status" is defined as a person's status on
7 7 active duty in or status as a veteran of the armed forces of
7 8 the United States, status as a current member or veteran of
7 9 any reserve component of the armed forces of the United
7 10 States, or status as a current member or veteran of the Iowa
7 11 army national guard or Iowa air national guard.
7 12 LSB 6542HC 82
7 13 rh/rj/24